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UNCLAS SECTION 01 OF 02 ABU DHABI 000220

SENSITIVE  
SIPDIS

STATE FOR EEB/TPP/IPE FOR TMCOWAN  
DEPT PASS TO USTR JCHOE-GROVES, JBUNTIN, MMOWREY

E.O. 12958: N/A  
TAGS: [ECON](#) [KIPR](#) [PREL](#) [ETRD](#) [AE](#)  
SUBJECT: MISSION UAE COMMENTS ON SPECIAL 301 REVIEWS

REF: SECSTATE 8410

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11. (U) Summary: In 2008, the UAE Government (UAEG) continued its strong efforts to protect Intellectual Property Rights (IPR). The UAEG continues to enforce copyright, trademark, and patent laws passed in 2002 to protect U.S. intellectual property, and remains committed to the 2002 Agreement providing TRIPS-Plus levels of protection to U.S. pharmaceuticals. In 2008, the UAEG continued conducting high-profile raids and arrested merchants involved in all forms of piracy. It also organized workshops and training programs to boost anti-piracy awareness and announced the creation of two entities to control piracy. The Ministry of Economy (MoE) considers the establishment of a collecting society to collect royalties from broadcasting and commercial establishments that use recorded music a priority. Post recommends that the UAE not be included in the Special 301 Watch List this year. End summary.

#### TRIPS and Other Agreement Compliance

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12. (U) In 2008, the UAEG remained committed to its TRIPS obligations. In 2006, the UAEG expanded the scope of the copyright, trademark, and patent laws issued in 2002 (which exceeded the UAE's TRIPS obligations) by issuing two new regulations: The E-Commerce Law and the Anti-Information Technology Crimes Law to combat counterfeiting of websites used in phishing schemes. In January 2009, Director of the Consumer Protection Department at the UAE Ministry of Economy, Dr. Hashim Al Nuami announced that the Ministry of Economy was looking into the possibility of a new federal law to combat trade in fake products and other fraudulent activities. The UAE is a member of the 1996 WIPO Copyright Treaty (WCT) and WIPO Performance and Phonograms Treaty (WPPT).

13. (U) In June 2007, the UAE Ministry of Economy signed an MoU with the Business Software Alliance (BSA) for combating software piracy. In September 2008, the UAE Ministry of Economy (MoE) and the Brand Owners Protection Group for the GCC and Yemen (BPG) signed a Memorandum of Understanding (MoU) outlining their cooperation in the protection of intellectual property rights and initiatives against commercial fraud and counterfeiting in the UAE. The Emirate of Sharjah's Customs Authority signed a similar MOU with the BPG. In November 2008, the UAE Federal Customs Authority (FCA) announced that the FCA, in cooperation with the UAE Federation of Chambers of Commerce and Abu Dhabi Chamber of Commerce, would constitute a commission to combat counterfeiting and pirated products.

#### Enforcement

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14. (U) UAE IPR enforcement is implemented through cooperation between federal and local customs authorities, the Ministry of Economy, police, municipalities, local economic departments in each

emirate, chambers of commerce, and Gulf Microsoft and Business Software Alliance (BSA). The Ministry of Economy's Supervision Department Director Abdullah Hussain told EconFSN that the Department has enhanced its IPR enforcement role since 2006, and now employs 20 supervisors (trained by BSA) to conduct inspections in coordination with other concerned entities. The UAE conducted numerous raids in 2008 to uncover pirated goods, including medicines, compact discs, business software, auto spare parts, electrical devices, sports equipments and cigarettes. The Arabia Anti-Piracy Alliance (AAA) notes that police systematically raid sources of pirated goods and cases routinely result in imprisonment.

Periodic articles in local newspapers highlighting raids and arrests of counterfeiters also indicate government seriousness about enforcement and the deterrent value of media publicity. Some highlights in 2008 include:

- Coordinated raids between Microsoft and the UAE Ministry of Economy (MoE) in late 2008 resulted in the confiscation of 70 counterfeit CDs and two desktop computers loaded with unlicensed versions of Microsoft Windows XP and Microsoft Office 2007 software. Following the raids, the accused have been charged with violation of the copyright law.

- From October 2007 to June 2008, the Commercial Protection Unit (CPU) of Abu Dhabi's Department of Planning and Economy (DPE) seized more than 4,000 counterfeit goods.

- In February 2008, Abu Dhabi authorities, in collaboration with Gulf Microsoft and Business Software Alliance (BSA), seized 131 pirated compact discs, 3 computers and arrested 4 vendors.

- In March and April 2008, Dubai Municipality destroyed 90,000 pirated DVDs, arrested 329 street vendors, and seized 2,834 counterfeit products including ready-made garments, films, perfumes, cameras, and watches.

- In May 2008, Microsoft Gulf in collaboration with Ajman authorities conducted two raids against IT resellers who were selling products with unlicensed Microsoft software in the emirate

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of Ajman.

- The UAE Ministry of Economy, in collaboration with the BSA, launched a public awareness campaign from May 4- June 10, 2008 against piracy in software with the slogan "Using unlicensed programs may close down your firm."

- On June 11, 2008, Dubai Municipality seized 5,641 items of pirated goods including readymade garments, perfumes, cameras, watches, gifts and CDs.

- In 2008, the MoE expanding its campaign with the AAA against pay TV piracy by authorizing the blocking of internet websites which allowed users to illegally view satellite TV channels without subscription.

Workshops and Training Programs

15. (U) UAE authorities conduct regular training programs, workshops and conferences to boost IPR awareness, including:

- In January 2009, the Abu Dhabi Department of Planning and Economy organized an exhibition to combat commercial fraud, specifically trademark violations, at the Abu Dhabi Mall. IPR legislation and other information was distributed to several thousand visitors.

- In 2008, Dubai Customs hosted the Fourth Global Congress on Combating Counterfeiting and Piracy, which attracted 1200 participants from 90 countries.

- In April 2008, the UAE Ministry of Economy, the Judicial Training and Studies Institute and the World Intellectual Property Organization (WIPO) organized a seminar in Al Ain on intellectual property for judicial authority members in the UAE.

- In January 2008, Abu Dhabi hosted the first Arab Intellectual Property Forum (AIPF) to discuss patent rights, trademarks, relevant legislation, and how economy, education, health and science can be benefited from patent on an invention and intellectual property.

Collecting Societies

16. (SBU) Since 2003, the Recording Industry Association of America (RIAA) and the USG have undertaken several efforts to establish a collecting society in the UAE to collect royalties from broadcasting and commercial establishments that use recorded music. In February

2009, Ministry of Economy (MoE) officials told EmbOffs that the proposal for establishing a collecting society in UAE remains a priority. However, officials noted that the lack of relevant experience in the UAE and GCC countries had delayed its implementation. Post continues to work with RIAA and the UAEG to encourage the finalization of necessary implementing regulations.

Recommendation : No Watch List

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[¶](#)7. (SBU) Mission officials recommend that the UAE remain off the Special 301 Watch List. The UAE has made considerable strides in enforcing IPR regulations, prosecuting violators, and publicizing law enforcement actions. Although there is always room for improvement, the UAE is a solid partner in IPR enforcement.

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